

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

UNITED STATES OF AMERICA

PLAINTIFF/RESPONDENT

V.

Criminal No. 05-50021

LAWRENCE HAMPTON

DEFENDANT/MOVANT

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Currently before the undersigned is a **Motion to Withdraw Petition (Doc. 34)** filed by the Defendant/Movant Lawrence Hampton (hereinafter “the Defendant”). The Defendant states that after reviewing the likely testimony of the witnesses and receiving the advice of his attorney, he wishes to withdraw his 28 U.S.C. § 2255 motion, as he does not believe the evidence will sustain his allegations or any relief. The Government has advised that it has no objection to the motion.

Upon due consideration, the undersigned finds that the **Motion to Withdraw Petition (Doc. 34)** should be **GRANTED** and the Defendant’s **§ 2255 motion (Doc. 23)** should be **DISMISSED WITH PREJUDICE**. The evidentiary hearing set for November 15, 2010, is hereby **CANCELED**.

The parties have fourteen days from receipt of the report and recommendation in which to file written objections pursuant to 28 U.S.C. § 636(b)(1). The failure to file timely objections may result in waiver of the right to appeal questions of fact. The parties are reminded that objections must be both timely and specific to trigger de novo review by the District Court.

DATED this 20th day of October, 2010.

/s/ *Erin L. Setser*

HON. ERIN L. SETSER
UNITED STATES MAGISTRATE JUDGE